

## REMARKS

Applicants first wish to thank the Examiner for his helpful comments during a telephonic interview on October 10, 2003 with Dr. Todd Armstrong, an agent of the undersigned. In light of that discussion, Applicants' understanding is that the present election of a polypeptide species consisting of the C/D' segment is not a restriction of the polypeptide species that Applicants can claim for use in the present invention, but rather, the present election is simply being made for search purposes only.

### The Election/Restriction Requirement

The Examiner states that Applicants' reply to the Election/Restriction Requirement was not fully responsive because Applicants' election of a polypeptide species *comprising* the C/D' segment as the protein to be administered did not satisfy the requirement to elect a *single protein* to be administered. Furthermore, the Examiner expressed doubt as to whether administration of the C/D' segment was contemplated by Applicants' specification.

As is indicated above, Applicants elect a single polypeptide species consisting of the C/D' segment. Applicants have discovered that the C/D' segment of neuregulin polypeptides contains the crucial biological activity of the polypeptide (i.e., binding activity for the appropriate receptor), and therefore, this segment promotes a neuroprotective effect when administered to a mammal suffering from or susceptible to stroke (see, e.g., page 2, line 28, through page 3, line 11, of the specification). Support for the use of a polypeptide consisting of the C/D' segment is found in the specification on, e.g., page 3, lines 5-11, which describes the use of a polypeptide containing the C/D' segment. Additional support for the administration of a polypeptide

consisting of the C/D' segment is found on page 2, lines 24-27, of the specification, which states that the methods of the invention comprise administration of a neuregulin or a nucleic acid encoding a neuregulin. Specifically, the specification describes the usefulness of administering a nucleic acid encoding the C/D' segment (see, e.g., page 3, lines 11-16, and page 5, lines 20-22). Therefore, administration of a polypeptide consisting of the C/D' segment was contemplated as an embodiment of the invention.


### CONCLUSION

Applicants respectfully submit that the present election of stroke as the disease to be treated and of a single polypeptide species consisting of the C/D' segment is fully responsive to the present Office Communication. Applicants further submit that the election requirement is unnecessary, as a complete search of Applicants' invention, in the absence of a single elected polypeptide species, would not be burdensome for the Examiner. For this reason, Applicants traverse the restriction requirement and request its withdrawal.

Enclosed is a petition to extend the period for replying for three months, to and including October 17, 2003 and a check in the amount of \$475.00 for the required extension fee. If there are any other charges or any credits, please apply them to Deposit Account No. 03-2095.

Respectfully submitted,

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